

**AUBURN CITY COUNCIL  
MINUTES  
January 25, 2010**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, January 25, 2010 at 6:00 p.m. with Mayor Powers presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

Color Guard by Boy Scout Troup 277

**ROLL CALL:**

**Council Members Present:** J. M. Holmes, Kevin Hanley, Bill Kirby, Keith Nesbitt, Bridget Powers

**Council Members Absent:**

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Public Works Director Jack Warren, Administrative Services Director Andy Heath, Fire Chief Mark D'Ambrogi, Police Chief Valerie Harris, Police Captain John Ruffcorn and Code Enforcement Jennifer Solomon.

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/  
ANNOUNCEMENTS**

None.

**AGENDA APPROVAL**

City Attorney Michael Colantuono asked by MOTION a closed session be added to the end of the AUDA Meeting to discuss the hearing that will be taking place this Friday in the City vs. Daniel Coverston case on the ground that there is a need for immediate action that arose after the agenda was posted.

By **MOTION** add the closed session to the agenda. **MOTION: Nesbitt/  
Hanley/Approved 5:0**

## CONSENT CALENDAR

Council Member Holmes asked Item #6 on consent calendar be removed for discussion

1. **Minutes**

By **MOTION** approved City Council Minutes of 12/14/2009

2. **Amendment of City Ordinance Governing Claims Against the City**

By **ORDINANCE 10-01** introduced Section 33.116 of the Auburn Municipal Code regarding claims against the City.

3. **Fire Dispatch Agreement with Cal Fire for Fiscal Year 2009-2010**

By **RESOLUTION 10-04** approved and authorized the Fire Chief to execute the Dispatch Services Agreement amendment for Fiscal Year 2009-2010 with Cal Fire, The Department of Forestry & Fire Protection.

4. **Auburn Municipal Airport – East Area Hangar Project Amendment No. 2 to Consultant Agreement**

By **RESOLUTION 10-05** approved Amendment No. 2 to the consultant agreement with Mark A. Machado in an amount not to exceed \$7,500.

5. **Information Technology Strategic Assessment**

By **RESOLUTION 10-06** authorized the City Manager or his designee to execute an agreement with J-4 Systems to prepare an Information Technology Strategic Plan for the City of Auburn.

6. **Authorize the Establishment of and Search for a Contract Airport Manager**

Removed from consent calendar for discussion

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approved the Consent Calendar excluding Item 6. **MOTION: Holmes/Nesbitt/Approved 5:0**

6a. **Authorize the Establishment of and Search for a Contract Airport Manager**

Council Member Holmes asked if the Contract Airport Manager would be assuming some of the responsibilities from the current contractor, Mark Machado.

City Manager Bob Richardson advised that Mark Machado is currently employed to manage the construction of the additional hangers. He said the Airport Manager would provide on site staffing at the airport, ensure proper running of the airport, and handle airport leases and contract compliance. He said Mark Machado's contract will end when the construction on the hangers is completed. He said the Airport Manager will move forward based on the needs of the Airport.

Council Member Holmes inquired on the estimated cost of this position.

City Manager Bob Richardson said the City would like to do request for qualifications, primary duties and responsibilities, interview top candidates and then negotiate the most appropriate wage and bring that to the Council for consideration.

Council Member Holmes asked if the Contract Airport Manager would be available on weekends.

City Manager Bob Richardson said one thing they will be considering is flexibility of schedule to accommodate weekends.

Mayor Powers asked who will be handling leasing and marketing of the Industrial Park at the Airport.

City Manager Bob Richardson said leasing is currently being handled in-house by the Administrative Services Department and will remain there. Marketing has been with private sector but could always be looked at as additional job responsibilities.

By **MOTION** authorized the establishment of a Contract Airport Manager and directed the City Manager to begin searching for and negotiate a contract with a prospective Airport Manager to be recommended for approval at a future City Council Meeting.

**MOTION: Holmes/Nesbitt/Approved 5:0**

7. **Public Comment**

Bob Snyder of Auburn had 3 items that he believes requires action by the City Council. (1) Shaded Fuel Break, action needs to be taken before next fire season, (2) Vacated City Hall Building should be sold, (3) Appoint a City Clerk as opposed to Elected City Clerk.

**REPORTS**

8. **City Council Committee Reports**

Council Member Holmes said the Ad Hoc Brewery Lane Committee has a meeting set 2/17/10 with residents and Old Town Business Association regarding development of the property. He said the Sierra Economic Development Commission is doing a 2 ½ day boot camp program starting 1/26/10 to assist future/existing business owners. He met with OTBA and they are working on the parking recommendations to fully institute the City's parking study. He said the Placer County Transportation Planning Agency met with non-members of board to talk about transit consolidation in Placer County. He said their recommendation was to NOT move forward with this plan. He said Auburn Chamber of Commerce has a meeting 1/28/10 to work on improving "bicycling" in the City of Auburn to reduce vehicle traffic and increase endurance events. He suggested an application for the Placer County Air Pollution Control District Grant be completed by staff for bicycle racks throughout community.

Council Member Hanley commented on the shaded fuel break. He said the Greater Auburn Area Fire Safe Council met today and Fire Chief briefed everyone on current events. He said the MOU between the City and the Bureau of Reclamation has made its way to Washington D.C. and back and the hopes are to act on it soon. He said the lands owned by the Bureau of Reclamation are project lands and not public lands. He said the Fire Chief is working with BOR to get permission to go on those lands and clear brush. He said anyone interested in SACOG Blueprint can attend a 04/02/10 information session 830a.m. -11a.m. at Cal State Ballroom.

Council Member Nesbitt said the Streetscape History and Art Advisory Committee decided to treat each place along Streetscape as its own zone to "Paint the Picture of Auburn" accurately. He said he will bring a few recommendations of artwork back to the Council within the next month. He also said the Youth Advisory Committee met and one of the members suggested an internship program with local businesses. He said they are also interested in a project where they can help with some of the Victorians in Old Town.

Mayor Powers reported that the Economic Development Commission has been working on the ribbon cutting on 02/24/10 for the Streetscape. She said there is a meeting 01/26/10 at 2pm for anyone who would like to be involved. She said the Airport Industrial Business Park is trying to form an association. She said they will be meeting in early February, and if you are interested, contact her directly.

## **COUNCIL BUSINESS**

### **9. Update on Ordinance Amendment to Update Animal Regulations**

Director of Community Development Department Will Wong clarified that by California state law, the City of Auburn can not create breed-specific regulations, except in regards to spay, neuter and breeding requirements. He said when the draft ordinance is completed it will be available to public for review prior to approval. He said some options are: Spay, neuter and breeding requirements, spay and neuter all dogs, higher dog license for unaltered dogs, limit the number of dogs that can be owned, expanding penalties for vicious dogs or enact and expand leash and anti-roaming laws and penalties. He also discussed procedures and requirements the City of Auburn would have to follow if a breed-specific spay/neuter ordinance were approved. He said an informational letter is going to be going out to all dog owners that are currently licensed within the City.

Council Member questions follow regarding: (1) spay and neutering dogs and whether that has a direct effect on aggressiveness, (2) how to determine the breed of a dog, (3) the problem of irresponsible pet owners, (4) how the City could enforce new ordinance with current staffing levels.

Will Wong said the results have been mixed in surveys and discussions with other cities in regards to the effectiveness of breed-specific spay and neutering requirements. Spay and neutering would likely only lessen stray and roaming dogs. He also noted correspondence from American Humane Society support strategies other than spay/neutering, such as expanding leash and anti-roaming laws. He said many options could demand more staff time. He said the current Animal Control office also acts as the Evidence Officer for the Police Department.

Police Chief said it is going to be a cooperative effort of City Staff and the Police Department. She said over the last 5-year period, the City had 1,806 animal-related calls. She said 109 of the calls resulted in written reports. She said in 2009 there were 16 total dog bites and the same for 2008. She said in these dog-bite circumstances, 8 occurred because of a dog at large and 6 were family-related instances.

Council Member questions follow regarding (1) getting all dogs within the City licensed as opposed to a certain breed, (2) whether the City is prepared to enact a new ordinance of this kind, (3) a breed-specific ordinance having an appeal process, (4) the City's current ordinance and leash law (dog-at-large), (5) current dog licensing forms and (6) enclosure requirements for dogs of certain breeds.

Council Member Nesbitt said the fee for unsprayed or neutered would have to be increased significantly to encourage dog owners to spay their animals. He asked the following questions: (1) whether a rabies certificate states that an animal has been altered, (2) what the current policy is with unlicensed dogs and (3) how to track dogs that are known to be vicious.

Jennifer Solomon said when a judge deems a dog as "potentially dangerous" it stays on file for 3 years. She said there are requirements for housing the dog that the City enforces. She said there does not have to be contact/or a bite occurring in these cases, it could be a less dangerous situation (such as barking or lunging), reported twice in 36 months.

Council Member Kirby emphasized that if the City passes an ordinance stating all animals must be spay or neutered (with the exception of show dogs, breeders, etc) reporting requirements would not be mandatory. He asked the following questions: (1) whether data has been pulled on cities who have the "all breed spay/neuter" ordinance, (2) how many households in Auburn currently have over 2 dogs, (3) if fencing requirements for specific dog sizes is possible. He said he would like to see statistics that include these issues was available before the legislation was enacted in other Cities. Council Member Kirby also said he has not received any correspondence from anyone within Auburn who is not in support of the spay/neuter ordinance for pit bulls.

Council Member Holmes clarified leash law meaning a physical leash or dog under control. He also asked about it not enforced at the local dog park. The Police chief noted that the leash law is not enforced in the dog park.

### **Public Comment**

Dawn Capp, Director of CHACKO on behalf of 20 members in Auburn wanted to express opposition to breed-specific legislation.

Laura Pinnick of Auburn stated that any unaltered dog gives off a different scent to other dogs. She said she supports having all dogs spayed/neutered. She also said any limit on the number of dogs you own should be exempt those who owned more dogs before the ordinance is adopted.

Jason Minton of Auburn encouraged staff to look at more owner specific action, instead of targeting dogs themselves. He said the problem lies in the dog owner as opposed to the dog.

Pamela Gorman of Grass Valley, with Scooter's Pals, an animal rescue organization, always finds the number one problem to be pet overpopulation. Spay and neuter is the answer to that. She said all dogs should be spayed and neutered. She also said owner ordinances are also very important.

Council Member Hanley said he does not support the fee being higher for unaltered dogs in general. He said the pit bulls are indeed different then most dogs. He said he has seen studies where spaying or neutering a pit bull does have an effect. He said limiting the number of dogs owned is important to prevent backyard breeders. He would like licensing to list breed type so Auburn Police Department could do area checks on pit bull homes. He said San Francisco has a good ordinance and we should refer to theirs. He said the City should have a policy on what type of people can own pit bulls. Santa Monica has an ordinance requires pit bulls to be muzzled if in public. He feels that euthanizing the dogs in the recent pit bull attack was the right thing to do.

Council Member Holmes said whatever we do adopt, we have to hold the owners responsible.

Council Member Nesbitt said he appreciates all the information received from dog organizations. He stressed that this all is a result of a pack of 4 pit bulls that attacked a boy in September. He would like to see an ordinance that is "tight, specific and really leans on the owner to be responsible and if the owner is not responsible, it would allow for swift and decisive action on the other end of it."

Council Member Kirby commented on the following: (1) he is not opposed to breed-specific legislation (2) pit bulls are vicious dogs (3) he would prefer all dogs be spayed and neutered (4) the fees may need to be raised to cover services and (5) senior citizen discounts on animal licensing should be provided. He said we need to take "protective action" against this breed.

Mayor Powers said she supports including a definition for potentially dangerous dogs that will be broad enough to allow the city to take action before the dog bites. She also supports higher penalties for the owners, limiting the number of dogs in a household going forward only, and expanding on leasing laws and penalties.

10. **Potential Project List for Federal Funding Request - Cap to Cap Project List**

Public Works Director Jack Warren asked Council if they are interested in sending a representative to the Cap to Cap Conference this year. He reviewed the potential project list for 2010.

Council Member Holmes said the two high priority projects should be Lincoln Basin Drainage Infrastructure and the Electric Street Stormwater Diversion Pipeline Project. He said we should partner on the Regional Sewer Project with Placer County.

Council Member Holmes said if we get a formal request to Senator Boxer's office by February 26<sup>th</sup>, it will be considered along with many other projects.

Council member discussion followed covering these topics: (1) public perception of the propriety of sending someone to this event in the current economy, (2) importance of having a representative present, (3) the \$10 million already authorized through grant, and (4) Chamber supporting Lake Clementine.

**Public Comment:**

Bob Snyder of Auburn stated that he went to this event 2 years ago hoping to have success with Auburns projects in need. He said he was shocked by how little attention Auburn representatives received. He reviewed all the projected projects to give his opinion if any would be heard.

By **MOTION** make three projects top priority: Lincoln Basin Drainage Infrastructure and the Electric Street Stormwater Diversion Pipeline Project followed by the Regional Sewer Project jointly with Placer County.

**MOTION: Holmes/ Kirby/ Approved 4:1**

By **MOTION** approve sending Mayor Powers as the representative to Cap to Cap Conference in Washington D.C. fully funded by the City.

**MOTION: Kirby/ no second**

11. **Office of Traffic Safety and the California Highway Patrol's FAST Grant**

Police Captain John Ruffcorn presented information on the FAST Grant. By **RESOLUTION 10-07** approved supporting the Office of Traffic Safety and the California Highway Patrol's FAST grant objectives.



**MOTION: Holmes/ Hanley/ Approved 5:0**

**ADJOURNMENT**

Adjourned to meeting of the Auburn Urban Development Authority at 7:56 p.m.

**RECALL OF MEETING TO ORDER**

Mayor Powers reconvened the City Council meeting at 8:12 p.m. The Council then adjourned to closed session to discuss City v. Daniel Coverston. At 8:20 the Council returned to open session and the City Attorney announced that no reportable action was taken in closed session. The Council then adjourned to its February 8<sup>th</sup> meeting without motion and by consensus at 8:21 p.m.